HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 811 of 2004 (MS)

The National Insurance Company ..... Petitioner

Versus

Vinod Kumar & others ..... Respondents

Writ Petition No. 812 of 2004 (MS)

The National Insurance Company ..... Appellant

Versus

Sobhit & others ..... Respondents

Writ Petition No. 813 of 2004 (MS)

The National Insurance Company ..... Appellant

Versus

Samay Singh & others ..... Respondents

Writ Petition No. 814 of 2004 (MS)

The National Insurance Company ..... Appellant

Versus

Daya Ram & others ..... Respondents

Dated: October 26 ,2004

Hon'ble Rajesh Tandon, J.

Heard Sri D.S. Patni, Advocate for the petitioner and Sri B.P. Nautiyal for the respondents.

The present writ petitions have been preferred against the judgment and award dated 24.5.2004 passed by the Motor Accident Claims Tribunal, Haridwar.

Briefly stated the facts giving rise to the present writ petitions are that the respondent claimants have preferred their respective claim petitions for the grant of compensation on account of the injuries sustained by them in a motor vehicle accident on 2.8.2003 involving Tata Summo No. HR 02A/4375, near village Sahpur Esarana, District Panipat.

There is a statutory provision of law under section 173 of the Motor Vehicles Act, 1988 for filing an appeal by any person aggrieved by an award of a Claims Tribunal. The Claims Tribunal has awarded a sum of Rs.3,000/- (rupees three thousand only) as compensation for the injuries sustained by the claimants in the accident but appeal is maintainable against such an award where the amount in dispute is less than ten thousand as provided under section 173 (2) of the Motor Vehicles Act, 1988, which reads as under:

(2) No appeal shall lie against any award of a Claims Tribunal if the amount in dispute in the appeal is less than ten thousand rupees.

It appears that to bypass the aforesaid provisions of law, the petitioners have filed the present writ petitions under Article 226/227 of the Constitution of India which are also not maintainable in view of specific provision of law and alternative remedy provided under the law.

Thus in view of the above provision of law all writ petitions are dismissed with costs as not maintainable.

October 26, 2004
*Dhyani

(Rajesh Tandon J.)